

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2000-414-C - ORDER NO. 2000-988

DECEMBER 8, 2000

IN RE: Application of IDS Telcom, LLC. for a)	ORDER
Certificate of Public Convenience and)	GRANTING
Necessity to Provide Resold and Facilities-)	CERTIFICATE FOR
Based Local Exchange and Interexchange)	LOCAL AND
Telecommunications Services within the State)	INTEREXCHANGE
of South Carolina.		AUTHORITY

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of IDS Telcom, LLC ("IDS Telcom" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to provide resold and facilities-based local exchange and intrastate interexchange telecommunications services within the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-280(B) (Supp. 1999) and the Regulations of the Public Service Commission of South Carolina.

By letter, the Commission's Executive Director instructed IDS Telcom to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The proposed Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. IDS Telcom complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was received from the South Carolina Telephone Coalition (“SCTC”) on October 19, 2000. Thereafter, on November 6, 2000, Counsel for SCTC filed with the Commission a Stipulation in which IDS Telcom stipulated that it would only seek authority in non-rural local exchange (“LEC”) service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent’s service area, unless and until IDS Telcom provided written notice of its intent prior to the date of the intended service. IDS Telcom also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. IDS Telcom agreed to abide by all State and Federal laws and to participate to the extent that it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity to IDS Telcom provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached as Order Exhibit 1.

A hearing was commenced on November 29, 2000, at 10:30 a.m., in the Commission’s Hearing Room. The Honorable William Saunders, Chairman, presided. IDS Telcom was represented by Scott A. Elliott, Esquire. Adelaide D. Kline, Staff Counsel, represented the Commission Staff. William P. Blume, Audit Manager II, and David S. Lacoste, Engineer in Utilities Department, testified on behalf of the Commission Staff.

Angel M. Leiro, Director of Regulatory Affairs for IDS Telcom, appeared and offered testimony in support of the Company’s Application. Mr. Leiro was vested with

the authority to represent and bind the Company by a letter of authorization signed by IDS Telcom's president, Michael Noshay which was entered into the evidence of this case. As Director of Regulatory Affairs of IDS Telcom, Mr. Leiro testified that his primary responsibilities include his work as a liaison between the Company and the Florida Public Service Commission and as a consumer advocate with customers of IDS Telcom. IDS Telcom is a Florida limited liability corporation with headquarters located in Miami, Florida. Mr. Leiro further testified that IDS Telcom has received authorization to operate as a foreign corporation in the State of South Carolina by the Secretary of State. According to the testimony, IDS Telcom, as of the hearing date, had received authority to provide local exchange and/or interexchange telecommunications services in approximately twelve states, and is currently providing service in Alabama, Florida and Kentucky to approximately 10,000 customers. IDS Telcom is in the process of applying for authorization to provide competitive local exchange and interexchange services in the BellSouth, Bell-Atlantic/Verizon regions, and the state of Texas. Mr. Leiro said the Company has approximately 225 employees and intends to operate initially in South Carolina as a reseller. He further explained that IDS Telcom plans to move regionally into the nine BellSouth states within the year 2001 and hopes to eventually become a facilities-based provider in South Carolina.

Upon receiving certification from the Commission, IDS Telcom will offer a full array of local exchange and interexchange services to business and residential customers in South Carolina. The Company's interexchange services will include 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, calling cards, and data

services. IDS Telcom's local exchange services will include switched local exchange services, non-switched local services, centrex and/or centrex-like services, digital subscriber line, ISDN, and other high capacity services. The record also reveals IDS Telcom will offer dual-party relay services, 9-1-1 Emergency Services, directory assistance and operator-assisted calls, lifeline, and toll-free calling. IDS intends to install equipment for the provision of local exchange services. The record reveals that when the Company installs facilities in South Carolina, it will provide voice and high speed data services through a combination of the latest technology switching and transport media comprised of the Siemens EWSD Release 17 switch module, ADSL/SDSL transport and Internet service equipment and the latest Optical multiplexer DAC's configurations. The hub portion of the switch will interconnect with the public switched network on Signaling System 7 ("SS7") or Feature Group D ("FGD") facilities. Mr. Leiro testified that the Siemens EWSD switch is physically located in Miami, Florida.

Mr. Leiro presented testimony on IDS Telcom's technical, financial, and managerial ability to offer services in South Carolina. He stated the Company plans to provide its services to business and residential customers in South Carolina. He said that IDS Telcom intends primarily to market its services to small and medium-sized businesses with 3-15 lines using direct mail marketing packages, sales agents, telephone sales, and outside telemarketing. He said the agents would be closely monitored to be sure of compliance with Commission rules and regulations. Mr. Leiro testified the Company uses third party verification and Letters of Authorization for customers who wish to switch their services to IDS Telcom. He offered that the Company does propose

to offer prepaid calling cards as part of the services it will offer here. The Company's name and toll-free telephone number will appear on the card which will be distributed through direct sales agents. Mr. Leiro further stated that IDS Telcom is familiar with the Commission's bond requirement and the Company will post the required \$5,000 bond with the Commission. The record reveals that IDS Telcom intends to utilize Frontier/Global Crossing as its underlying carriers. The Company will enter into an interconnection agreement with BellSouth. Mr. Leiro is the regulatory contact person for IDS Telcom.

Regarding the Company's technical ability to offer services in South Carolina, the record reveals IDS Telcom will initially resell the facilities of existing LECs or underlying carriers that presently service South Carolina. The testimony also reveals IDS Telcom will provide voice, high speed data and internet access services through a combination of the Lucent Technology PathStar, ADSL/SDSL transport and Internet service equipment and the latest Optical multiplexer DAC's configurations. Further, the record reveals the switching system consists of a central processing and control complex capable of interconnection as a peer to the incumbent as well as competitive local exchange companies; the hub portion of the switch will interconnect with the public switched network on Signaling System 7 or Feature Group D facilities.

IDS Telcom also operates a customer service department which responds to customer inquiries. The customer service department is open twenty-four hours a day, seven days a week. Mr. Leiro's testimony states IDS Telcom has sufficient technical

resources and ability to provide the telecommunications services it proposes to provide in South Carolina.

Mr. Leiro also testified the Company's personnel represent a broad spectrum of business and technical disciplines, possessing many years of individual and aggregate telecommunications experience. Michael Noshay is the President and a founder of IDS Telcom. He has had over ten years experience in the telecommunications industry. Mr. Noshay is responsible for the development and negotiation of all interconnection agreements for IDS Telcom and he handles all of the legal, tariff, and contractual matters, including regulatory issues and billing disputes. Joe Millstone is the Chief Executive Officer, one of the founders of IDS Telcom, and has eleven years of telecommunications experience. Mr. Millstone oversees all aspects of the retail side of IDS Telcom and the sister company, Interconnect Data Service, the telephone equipment part of the business. Anthony Petrone is IDS Telcom's Executive Vice President. He manages the Wholesale Carrier Division. Minor Oquendo is the Company's Director of Network Operations responsible for network planning and engineering.

Mr. Leiro also testified that IDS Telcom has the financial resources and ability to provide telecommunications services in South Carolina. He said that IDS Telcom has received \$13.5 M in financing and has \$2.5 M of that amount remaining. He stated the principals of the business are independently wealthy and would have access to additional resources should those avenues become necessary. William P. Blume, Commission Staff witness, testified that the balance sheet submitted with the Company's application illustrated the Company's financial status as of May 31, 2000. He testified that these

documents indicate that the Company has a fair cash position with cash making up 6% of total assets. He said the current ratio, or ability to pay off current liabilities with current assets, is a good 1.12. Blume further testified there were current assets as of May 31, 2000, to satisfy current liabilities. Mr. Leiro testified that Robert Hacker is the Chief Financial Officer and the Company's financial contact person. The Company requested the Commission's permission to be exempt from any record-keeping rules or regulations that might require the Company to maintain its financial records in conformance with the Uniform System of Accounts. According to the record, IDS Telcom currently maintains its book of accounts in accordance with the Generally Accepted Accounting Principles ("GAAP").

IDS Telcom also requested a waiver of S.C. Code Ann. Regs. 103-631 so that the Company will not be required to publish local exchange directories. According to the record, IDS Telcom will make arrangements with the incumbent local exchange carriers whereby the names of IDS Telcom's customers will be included in the directories published by the incumbent local exchange carriers. At the hearing, the Company additionally requested a waiver of 26 S.C. Code Ann. Regs. 103-610 (1976) so that IDS Telcom can maintain its records outside of South Carolina. The Company wishes to maintain its books and records at its headquarters in Miami, Florida. In addition, IDS Telcom requests a waiver of any reporting requirements which, although applicable to incumbent local exchange carriers, are not applicable to competitive providers such as IDS Telcom because it is the Company's position that these requirements (1) are not consistent with the demands of the competitive market; or (2) they constitute an undue

burden on a competitive provider, thereby requiring an inefficient allocation of its limited resources.

David S. Lacoste of the Commission Staff presented testimony to the Commission on the Utilities Department's findings with respect to IDS Telcom's Application for a Certificate of Public Convenience and Necessity. Lacoste's testimony includes several recommended changes to the Company's tariff. The Company agreed to make the Commission Staff's suggested changes to its final tariff.

Upon receiving certification from the Commission, Mr. Leiro testified IDS Telcom will abide by and comply with the Commission's rules and regulations and Commission Orders in its operations in South Carolina. Further, the testimony reveals IDS Telcom has never had an application for a certificate of public convenience and necessity denied nor has the Company ever been the subject of an investigation by a state regulatory body or the Federal Communications Commission. Additionally, as of the hearing date, IDS Telcom had not provided any intrastate telecommunications services within the State of South Carolina.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. IDS Telcom is organized as a corporation under the laws of the State of Florida and has received a certificate from the South Carolina Secretary of State to transact business within South Carolina as a foreign corporation.

2. IDS Telcom wishes to provide local exchange services and interexchange services within the State of South Carolina.

3. The Commission finds that IDS Telcom possesses the technical, financial, and managerial resources sufficient to provide the service requested.

4. The Commission finds that IDS Telcom' "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. §58-9-280(B)(3) (Supp. 1999).

5. The Commission finds that IDS Telcom will support universally available telephone service at affordable rates.

6. The Commission finds that IDS Telcom will provide services which will meet the service standards of the Commission.

7. The Commission finds that the provision of local exchange service by IDS Telcom "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1999).

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to IDS Telcom to provide competitive resold and facilities-based intrastate local exchange services only to customers located in the non-rural areas of South Carolina. The terms of the Stipulation between IDS Telcom and the SCTC are approved, and adopted as a portion of this Order. Any proposal to provide local exchange service to a customer in a rural incumbent LEC's service area is not included in the instant grant of authority. Further, the Company is

granted authority to provide facilities-based and resold intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), directory assistance, travel card service or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. With regard to the interexchange service offerings of IDS Telcom, the Commission adopts a rate design which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. IDS Telcom shall not adjust its interexchange rates below the approved maximum level without notice to the Commission and to the public. IDS Telcom shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 6, 1993). Any proposed increase in the maximum rate level for interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in

accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 1999).

4. If it has not already done so by the date of issuance of this Order, IDS Telcom shall file its revised local and long distance tariffs and an accompanying price list within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. IDS Telcom is subject to access charges pursuant to Commission Order No. 86-584 in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to the Company's resale of interexchange service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. IDS Telcom shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If IDS Telcom changes underlying carriers, it shall notify the Commission in writing.

8. With regard to the origination and termination of toll calls within the same LATA, IDS Telcom shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the Federal

Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209).

9. IDS Telcom shall file annual surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports can be found at the Commission's website at www.psc.state.sc.us/forms. The title of this form is "Annual Information on South Carolina Operations for Interexchange Companies and AOS". Be advised that the Commission's annual report for telecommunications companies requires the filing of intrastate revenues and intrastate expenses.

10. Title 23, Chapter 47, South Carolina Code of Laws Ann., governs the establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a "911 system" or "911 service." Services available through a 911 system include law enforcement, fire, and emergency medical services. In recognition of the necessity of quality 911 services being provided to the citizens of South Carolina, the Commission hereby instructs IDS Telcom to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate 911 service authorities is to be made before beginning telephone service in South Carolina. Accompanying this Order is an information packet from the South Carolina Chapter of the National Emergency Number Association ("SC NENA") with contact information and sample forms. The Company may also obtain information by contacting the E911 Coordinator at the Office of Information Resources of the South Carolina Budget and Control Board. By this Order

and prior to providing services within South Carolina, IDS Telcom, shall contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company's operations as required by the 911 system.

11. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

IDS Telcom shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The "Authorized Utility Representative Information" form can be found at the Commission's website at www.psc.state.sc.us/forms. This form shall be utilized for the provision of this information to the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

12. IDS Telcom shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

13. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

14. IDS Telcom shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of intrastate information. Therefore, IDS Telcom shall keep financial records on an intrastate basis for South Carolina to comply with the annual and gross receipts filings. The "Annual Report for Competitive Local Exchange carriers" form can be located at the Commission's website at www.psc.state.sc.us/forms. This form shall be utilized by the Company to provide the Commission with annual financial information on the Company's intrastate operations.

15. By its Application, IDS Telcom requested waivers from Commission requirements (1) of publishing a directory, (2) of maintaining its books and records within the state, (3) of any reporting requirements which are not applicable to competitive providers, and (4) requested permission to maintain its financial records in accordance with GAAP. The Commission finds the reasoning behind IDS Telcom's requests for waivers of publishing a directory, maintaining its books and record within the state and in accordance with GAAP reasonable and hereby grants the waivers of these regulations. The Commission denies the Company's request for a waiver of any reporting requirements which are applicable to incumbent LECs. In the future, upon the request of the Company, this Commission may grant a waiver of a specific regulation if the Company demonstrates that compliance with the regulation introduces unusual difficulty and that the waiver is in the public interest. However, IDS Telcom is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

16. As a condition of offering debit card services or prepaid long distance services, the Commission requires the Company to post with the Commission a bond in the form of a Certificate of Deposit worth \$5,000 drawn in the name of the Public Service Commission of South Carolina or a surety bond in the amount of \$5,000 which is payable to the Commission. The Certificate of Deposit shall be drawn on federal or state chartered banks or savings and loan associations which maintain an office in this state and whose accounts are insured by either the FDIC or the Federal Savings and Loan Insurance Corporation. A surety bond shall be issued by a duly licensed bonding or insurance company authorized to do business in South Carolina. This condition may be reviewed in one year.

17. If the Company sells its debit cards to retail establishments for resale of the debit cards, and the retailer of the debit cards deviates from the suggested retail price as filed in the tariff, or as approved by the Commission in a special promotion, then the Company will withdraw its cards from that retail outlet. This Commission strongly suggests that the Company enter into written agreements with its South Carolina retail outlets regarding this policy of abiding by suggested retail pricing prior to the outlet marketing the card.


BY ORDER OF THE COMMISSION:

William Butler

Chairman

ATTEST:

ATTEST:



Executive Director

Executive Director

(SEAL)

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 2000-NUMBER-C

Docket No. 2000-414-C

Re: Application of IDS Telcom, LLC for a)
Certificate of Public Convenience and)
Necessity to Provide Resold and Facilities-)
Based Local Exchange and Interexchange)
Telecommunications Services in the State)
of South Carolina)
_____)

STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and IDS Telcom, LLC ("IDS Telcom") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose IDS Telcom's Application. SCTC and IDS Telcom stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to IDS Telcom, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.

2. IDS Telcom stipulates and agrees that any Certificate which may be granted will authorize IDS Telcom to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

3. IDS Telcom stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

4. IDS Telecom stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until IDS Telecom provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, IDS Telecom acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. IDS Telecom stipulates and agrees that, if IDS Telecom gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then IDS Telecom will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. IDS Telecom acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.


7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and IDS Telecom, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. IDS Telecom agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

9. IDS Telecom hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 27th day of October, 2000.


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Attorneys for the South Carolina Telephone
Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Heath Springs Telephone Company Inc.
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 2000-NUMBER-C

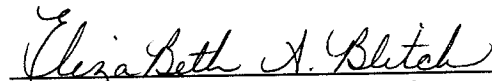
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Based Local Exchange and Interexchange)
Telecommunications Services in the State)
of South Carolina)

**CERTIFICATE OF
SERVICE**

I, ElizaBeth A. Blitch, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following party of record by causing said copy to be deposited with the United States Mail, first class postage prepaid to:

Lance J.M. Steinhart, Esquire
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30097.


ElizaBeth A. Blitch, Legal Assistant
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November 3, 2000

Columbia, South Carolina